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9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 DONALD EUGENE RANDONICH,

14 Petitioner,

15 v.

16 D.K. SISTO, Warden,

17 Respondent.
18

C 07-3730 RMW (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME TO
FILE ANSWER**

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20 I, GREGORY A. OTT, declare under penalty of perjury as follows:

21 I am the California Deputy Attorney General assigned to represent respondent in this case.
22 Respondent's answer was due June 21, 2008, per a sixty-day enlargement of the deadline set forth
23 in this Court's February 22, 2007, Order To Show Cause. I recognize that this request is belated,
24 and apologize to the Court and Petitioner for any inconvenience caused thereby. I have previously
25 received one sixty-day enlargement of time in this case.

26 Petitioner was convicted in Marin County of possession of methamphetamine with intent
27 to manufacture, and possession of stolen property. He was sentenced to sixteen years and four
28 months in prison. He unsuccessfully pursued state direct and collateral review before filing the

1 instant petition.

2 I request an additional thirty days to file my answer for the reason that I have not yet
3 received the entire record of petitioner's state proceedings. Specifically, I long ago requested from
4 the Marin County Superior Court the record of petitioner's state habeas proceedings in that court.
5 The superior court has acknowledged receipt of our request, but has not yet acted on it. We last
6 week rerequested the materials, but to date have not received them. I anticipate, nonetheless, that
7 I will be able to obtain the documents within the requested thirty-day enlargement of time. Without
8 the missing materials, I cannot determine the preliminary issue of timeliness.

9 I have not contacted petitioner regarding this request, as he is in custody and not
10 represented by counsel.

11 Accordingly, I request that the Court grant respondent to and including July 21, 2008, in
12 which to file its answer or other response to the petition.

13 I declare under penalty of perjury of the laws of the State of California and the United
14 States of America that the foregoing is true and correct. Executed at San Francisco, California on
15 June 26, 2008.

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18 /s/ Gregory A. Ott
19 GREGORY A. OTT
20 Deputy Attorney General
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